

REMARKS

Claims 43-68 and 70-76 are pending in this application. By this Amendment, claims 43, 45, 53, 55, 64 and 67-69 are amended and claims 75 and 76 are added. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Applicants gratefully acknowledge the courtesies extended by Examiner Walls on September 8, 2004 in an interview regarding the above-identified application. In the interview, the Stuetz reference (U.S. Patent No. 4,397,321) was discussed in reference to ash used in conjunction with oxides of iron and manganese (see Stuetz column 2, lines 23-58). Furthermore, the recitations "free of ash" and "consists essentially of iron oxide nanoparticles" were discussed with respect to Stuetz.

Claims 43-74 stand rejected under 35 U.S.C. §103(a) over Stuetz. The rejection is respectfully traversed.

With respect to claim 43 as discussed in the interview, Applicants respectfully submit that Stuetz discloses the use of iron oxide as noted in Example 2 which includes ash and a transition metal oxide of Fe_2O_3 . As such, Stuetz fails to disclose or suggest, the combination of features recited in claim 43, which includes at least the feature of a cut filler composition comprising tobacco and at least one additive, wherein the additive is in the form of iron oxide nanoparticles, and wherein the additive is free of ash.

Additionally, as also discussed in the interview, there is no suggestion in Stuetz of colloidal iron oxide for use in a smoking preparation. Rather, Stuetz discloses use of transition metal oxides such as manganese and iron oxides, wherein an example of manganese dioxide is provided in colloidal form. However,

as the Declaration of Ping Li submitted on July 29, 2004 sets forth, iron oxide nanoparticles have unexpected results in comparison to colloidal manganese dioxides. As such, Applicants respectfully submit that claim 43 is allowable.

Similarly, with respect to claim 53, Applicants respectfully submit that as discussed in the interview, Stuetz does not disclose or suggest at least the feature of a cigarette comprising a tobacco rod, wherein the tobacco rod comprises cut filler having at least one additive, wherein the additive consists essentially of iron oxide nanoparticles, as stated in claim 53. Applicants respectfully submit that claim 53 is allowable.

Finally, with respect to claim 64, Applicants respectfully submit that in view of the Declaration of Ping Li submitted on July 29, 2004, unexpected results with respect to iron oxide nanoparticles with an average particle size of about 3 nm has been established. As such, Applicants respectfully submit that claim 64 is allowable.

For at least the reasons set forth above, Applicants respectfully submit that claims 43, 53 and 64 are allowable. Claims 44-52 depend from claim 43, claim 54-63 depend from claim 53 and claims 65-74 depend from claim 64, and are allowable for at least the same reasons. Withdrawal of the rejection is respectfully requested.

Also, new claims 75 and 76 are added to the Application. Applicants respectfully submit that as Stuetz does not disclose or suggest, the combination of features recited in claims 43 and 53, as discussed above, and as claim 75 depends from claim 43, and claim 76 depends from claim 53, that claims 75 and 76 are allowable for at least the same reasons discussed above.

CONCLUSION

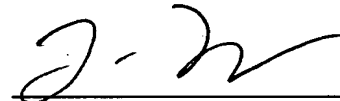
From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: _____


Laura L. Lee
Registration No. 48,752

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620